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09/776,147	02/05/2001	Glenn W. Palmway-Riley		7070

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G.W. PALMWAY-RILEY
c/o L. CROUT
613 CALIOPE WAY
MT AIRY, MD 21771

EXAMINER

PARSLEY, DAVID J

ART UNIT	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/776,147
Filing Date: February 05, 2001
Appellant(s): PALMWAY-RILEY, GLENN W.

Glenn Palmway-Riley
For Appellant

EXAMINER'S ANSWER

MAILED

JUN 15 2004

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This is in response to the appeal brief filed 5-1-04.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Claims 1-22 have been canceled.

This appeal involves claims 23-24.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on 9-20-02 has been entered.

The amendment after final rejection filed on 3-18-03 has not been entered.

The amendment after final rejection filed on 5-6-03 has not been entered.

The amendment after final rejection filed on 5-14-03 has been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 23-24 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

2,384,993	Goddard et al.	9-1945
4,970,808	Massie	11-1990

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 23-24 are rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on 10-21-03.

(11) Response to Argument

The Goddard et al. reference US 2384993 discloses a coil – at 12 which is wound around the insulating layer – at 10 and the hook shank as seen in figures 1-4. Applicant states that Goddard et al does not disclose a wire coil, however as seen in applicant's claims 23-24 the term "wire" is not used in conjunction with the term "coil" and as seen in figures 1-4 of Goddard et al. item – 12 is coiled/wrapped about the insulating layer – 10 and the hook shank.

Further, the Goddard et al. reference is not used to teach the use of dissimilar metals. The Goddard reference implies the use of dissimilar metals in that the metal – 12 is described as a fine metal, which could be aluminum or silver for example and the fishhook is inherently metal and could be carbon steel or stainless steel. The Massie reference US 4970808 is used to teach the use of dissimilar metals – at 6 and 7.

Further, the Goddard et al. reference does disclose the insulating layer – at 10 as being non-conductive in that the item – 10 is described as filamentous as seen in column 2 lines 5-8. A filamentous substance implies a wire, string, yarn is used and as seen in figure 4 the cross hatching pattern used on item – 10 shows that the insulating layer – at 10 is formed of fibre, leather or packing as seen in MPEP section 608.02. Therefore the item – 10 of Goddard et al. is not made of a metal wire and is determined to be a non-conductive filament.

Further, applicant states that the hook – at 6 and the winding – at 12 of Goddard et al. are directly adjacent each other, however as seen in figures 1-4 the hook – 6 and winding – 12 are separated via insulating layer – 10.


Further, the Goddard reference discloses a fishing lure with a metal fishhook – at 6, and a metal winding – at 12, wrapped about the hook with an intervening insulating layer – at 10. The winding – at 12 is described as a fine material – see column 2 lines 11-16, and the fishhook is inherently made of a metal material. Further, Goddard et al. discloses the winding at – 12 as being of a bright color – see column 1 lines 14-15, and therefore Goddard suggests that the hook – at 6 and winding – 12 are dissimilar metals in that the winding is described as a fine metal and fishhooks can be made of non-fine metals such as carbon steel. Further, the Massie reference discloses a fishing lure with the use of dissimilar metals – at 6 and 7 to cause electrolytic action

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when the metals are submerged in water to radiate electric waves in the water, this is done to attract fish to the lure as seen in column 1 lines 6-9. Therefore the Goddard reference suggests the use of dissimilar metals and the Massie discloses the dissimilar metals are used to make a fishing lure more attractive to fish.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


David Parsley
June 10, 2004

Conferees *KR*
Kurt Rowan

Peter Poon *pmP*


PETER M. POON
SUPERVISORY PATENT EXAMINER
6/10/04

G.W. PALMWAY-RILEY
c/o L. CROUT
613 CALIOPE WAY
MT AIRY, MD 21771